



CAMBRIDGE CITY COUNCIL

Alanna Mallon
City Councillor

TO: Paul Crane, Deputy City Clerk

FROM: Councillor Alanna Mallon & Mayor Marc C. McGovern

DATE: July 25th, 2019

SUBJECT: Submission – Mallon/McGovern Amendments to the Affordable Housing Overlay

Please place the attached communication, "Mallon/McGovern Amendments to the Affordable Housing Overlay" on the City Council Agenda as "Communications and Reports from Other City Officials" for the July 29th meeting.

Thank you,

A handwritten signature in black ink, appearing to read "Alanna Mallon".

Councillor Alanna Mallon



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Summary of Mallon/McGovern Amendments to the Affordable Housing Overlay

The Affordable Housing Overlay is one of the tools available to us as policymakers to reform our exclusionary Zoning Ordinance, allow our affordable housing partners to compete on an even playing field with large market-rate developers, and increase the stock of affordable housing in all neighborhoods throughout the City. Though the proposal achieves these goals as written, there are some changes necessary to ensure that it is implemented in a way which is the right fit for our community. A short explanation of each proposed amendment can be found below:

Include "Progressive Transitional Zones"

In districts which currently allow buildings ranging from 40-80 feet as of right, CDD is proposing that affordable projects can be built up to 80 feet as of right. Looking at our zoning map, these districts are typically BA or BA-2 districts, which directly abut residential neighborhoods. Examples of these areas are Inman Square, Kirkland St, and a section of Mass Ave in Porter Square, where surrounding buildings are no more than 2-3 stories now. The Overlay needs a transitional zone between neighborhoods and more built-up commercial districts, and 60 feet as of right in both BA and BA-2 zones will integrate much better with existing buildings than 80 feet.

Prohibiting Dwelling Units Below Grade

Basement apartments should be disallowed from the Overlay proposal. All units should be above grade to offer the best quality of life for all tenants.

FAR Limitations in Residential Districts

FAR bumps and density increases are essential for the financial feasibility of many affordable projects however, density within residential districts should have a limit of 3.0. The density cap of 3.0 will be limited to districts where base zoning allows 40 feet or less so that larger projects can be built in the dense, commercial districts which allow building heights over 40 feet.

Eliminate the Open-Space Reduction for Parking

Just days ago, a study was released indicated that 30% of all parking spaces on housing developments were unused. Open space should not be sacrificed for parking and should not be a reason to seek a reduction in open space by half of the required percentage. As Cambridge



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moves further toward reducing single-car trips, and car ownership is on the decline, we should be prioritizing public transit, micro-mobility, and cycling over car parking accommodations.

Allow Roof Decks to Count Towards Open Space

Roof decks and gardens are quality spaces where residents can congregate outdoors in urban environments. Although private porches at grade level and private balconies at any level should not count towards open space, community spaces like roof decks and balconies accessible to all residents, should.

Eliminate the Requirement for Keeping Existing Ground-Floor Retail in Business Districts

This requirement is found nowhere else in the Zoning Ordinance, and with the decline in retail and move toward experience-based businesses and other models, this could turn into an overly-burdensome requirement for affordable developers that might make a project infeasible. Furthermore, it might have the opposite, undesirable affect of additional vacant storefront if suitable tenants are not found. Many of our affordable developers offer tenant services, such as HRI's homebuyers' program or Just a Start's job connector that could also be valuable in these "retail" spaces. Tenants and other participants in these programs would be able to access them on-site, and the spaces would still be active uses open to anyone in the community requiring these services. Our affordable housing partners should have the option to utilize these ground floor spaces, and we should think beyond "traditional retail" as what constitutes an "active use."

5 Year Review of the Affordable Housing Overlay

Affordable projects take years to develop because of the complicated financing involved. The Affordable Housing Trust and CDD should be presenting updates and progress reports to the Council every 5 years to review the effectiveness of this Ordinance. Less than 5 years is too tight a time frame for many of our affordable housing partners and won't present a realistic picture of our progress; more than 5 years is too long without making adjustments that may be needed.

Affordable Housing Overlay – AS REFERRED BY HOUSING COMMITTEE ON APRIL 25, 2019
ADD NEW DEFINITIONS TO ARTICLE 2.000:

Affordable Housing Overlay (AHO). A set of modified development standards set forth in Section 11.207.3 of this Zoning Ordinance intended to allow increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning up to 100% of area median income.

Affordable Housing Overlay (AHO) Dwelling Unit. A dwelling unit within an AHO Project for which occupancy is restricted to an AHO Eligible Household and whose rent or initial sale price is established by the provisions of Section 11.207.3 of this Zoning Ordinance.

Affordable Housing Overlay (AHO) Eligible Household. A household whose gross household income does not exceed the amounts set forth in Section 11.207.3 of this Zoning Ordinance.

Affordable Housing Overlay (AHO) Project. The construction of a new building or buildings and/or the modification of an existing building or buildings resulting in single-family, two-family, townhouse, or multifamily dwellings within which each dwelling unit is an AHO Dwelling Unit subject to the standards and restrictions set forth in Section 11.207 of this Zoning Ordinance.

Grade. The mean finished ground elevation of a lot measured either around the entire perimeter of the building or along any existing wall facing a public street, which ground elevation is maintained naturally without any structural support.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade. A story whose highest point is more than 4 feet above the Grade.

CREATE NEW SECTION:
11.207 AFFORDABLE HOUSING OVERLAY

1. Purpose and Intent

The purpose of this Section is to promote the public good by supporting the development of housing that is affordable to households earning up to 100% of area median income. The intent of this Section is to allow increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning up to 100% of area median income (referred to as “AHO Projects,” as defined in Article 2.000 of this Zoning Ordinance); to incentivize the reuse of existing buildings in order to create AHO Projects that are more compatible with established neighborhood character; to promote the city’s urban design objectives while enabling AHO Projects to be permitted as-of-right, subject to non-binding advisory design consultation procedures; and to apply such standards throughout the City, to promote city planning goals of achieving greater socioeconomic diversity and a more equitable distribution of affordable housing citywide.

2. Applicability

(a) The provisions set forth in this Section shall apply to AHO Projects, as defined in Article 2.000 of this Zoning Ordinance, in all zoning districts except Open Space Districts.

(b) An AHO Project shall meet all of the standards set forth in this Affordable Housing Overlay, or else it shall be subject to the requirements otherwise applicable in the zoning district.

3. Standards for Eligibility, Rent, and Initial Sale Price for AHO Dwelling Units

(a) All dwelling units in an AHO Project shall comply with the standards for AHO Dwelling Units as set forth in this Section.

(b) For all AHO Dwelling Units:

(i) AHO Dwelling Units shall be rented or sold only to AHO Eligible Households, with preference given to Cambridge residents, in accordance with standards and procedures related to selection, asset limits, and marketing established by the Community Development Department.

(ii) AHO Dwelling Units shall be created and conveyed subject to recorded covenants approved by the Community Development Department guaranteeing the permanent availability of the AHO Dwelling Units for AHO Eligible Households.

(c) For rental AHO Dwelling Units:

(i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI.

(ii) At least eighty percent (80%) of AHO Dwelling Units shall be occupied by AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.

(iii) Rent, including utilities and any other fees routinely charged to tenants and approved by the Community Development Department, shall not exceed thirty percent (30%) of the gross household income of the AHO Eligible Household occupying the AHO Dwelling Unit or other similar standard pursuant to an applicable housing subsidy program which has been approved by the Community Development Department.

(iv) After initial occupancy, the gross household income of an AHO Eligible Household shall be verified annually, or on such other basis required by an applicable housing subsidy program which has been approved by the Community Development Department, to determine continued eligibility and rent, in accordance with policies, standards, and procedures established by the Community Development Department.

(v) An AHO Eligible Household may continue to rent an AHO Dwelling Unit after initial occupancy even if the AHO Eligible Household's gross household income exceeds the eligibility limits set forth above, but may not exceed one hundred twenty percent (120%) of AMI for more than one year after that Eligible Household's gross household income has been verified to exceed such percentage, unless otherwise restricted

pursuant to an applicable housing subsidy program which has been approved by the Community Development Department.

(vi) Notwithstanding the requirements set forth in (i) through (v) above, an owner may voluntarily choose to charge a lower rent than as provided herein for AHO Dwelling Units.

(d) For owner-occupied AHO Dwelling Units:

(i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI.

(ii) At least fifty percent (50%) of AHO Dwelling Units shall be sold to by AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.

(iii) The initial sale price of an AHO Dwelling Unit shall be approved by the Community Development Department and shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, utilities, condominium or related fees, insurance, real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of the monthly income of:

1. A household earning ninety percent (90%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than one-hundred percent (100%) of AMI; or

2. A household earning seventy percent (70%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than eighty percent (80%) of AMI.

(e) An AHO Project meeting the standards set forth herein as approved by the Community Development Department shall not be required to comply with the Inclusionary Housing Requirements set forth in 11.203 of this Zoning Ordinance.

4. Use

(a) In all zoning districts, an AHO Project may contain single-family, two-family, townhouse, or multifamily dwellings as-of-right. Townhouse and Multifamily Special Permit procedures shall not apply.

(b) An AHO Project may contain active non-residential uses on the ground floor as they may be permitted as-of-right in the base zoning district or the overlay district(s) that are applicable to a lot, which for the purpose of this Section shall be limited to Institutional Uses listed in Section 4.33, Office Uses listed in Section 4.34, and Retail and Consumer Service uses listed in Section 4.35 that provide services to the general public.

5. Development Standards

5.1 General Provisions

(a) For the purposes of this Section, the phrase “District Development Standards” shall refer to the development standards of the base zoning district as they may be modified by the development standards of all overlay districts that are applicable to a lot, but not the standards set forth within this Affordable Housing Overlay, and shall include standards that are permitted as-of-right or allowable by special permit.

(b) For an AHO Project, the following development standards shall apply as-of-right in place of the more restrictive District Development Standards, except as otherwise stated. Where the District Development Standards for any type of use are less restrictive than the standards set forth below, such less restrictive development standards shall apply as-of-right to an AHO Project.

(c) An AHO Project that conforms to the following development standards shall not be subject to other limitations that may be set forth in Article 5.000 or other Sections of this Zoning Ordinance, including limitations on Floor Area Ratio (FAR) and lot area per dwelling unit, except as otherwise stated in this Section.

5.2 Dimensional Standards for AHO Projects

5.2.1 Building Height and Stories Above Grade

(a) Where the District Dimensional Standards allow a maximum building height of 40 feet or less, an AHO Project shall contain no more than four Stories Above Grade and shall have a maximum height of 45 feet, as measured from existing Grade. For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to 50 feet but the number of Stories Above Grade shall not exceed four stories.

(b) BA and BA-2 Zones are to be regarded as “progressive transitional zones”. An AHO Project in these zones shall contain no more than six Stories Above Grade and shall have a maximum height of 60 feet, regardless of ground floor use.

~~(b)~~ (c) Where the District Dimensional Standards allow a maximum building height of more than 40 feet, an AHO Project shall contain no more than seven Stories Above Grade and shall have a maximum height of 80 feet, as measured from existing Grade, except as further limited below.

(i) Portions of buildings that are within 35 feet of a district whose District Dimensional Standards allow a maximum building height of 40 feet or less shall be reduced to a maximum of five Stories Above Grade and a maximum height of 60 feet, as measured from existing Grade, except where the building abuts a non-residential use.

(c) Each Story Above Grade shall have a minimum height of 10 feet.

(d) No dwelling units shall be located below grade.

5.2.2 FAR Limitations in Residential Districts

(a) Where the District Dimensional Standards allow a maximum building height of 40 feet or less, an AHO Project shall have an FAR limit of 3.0.

5.2.23 Yard Setbacks

(a) For the purpose of this Section, the applicable District Dimensional Standards shall not include yard setback requirements based on a formula calculation as provided in Section 5.24.4 of the Zoning Ordinance, but shall include non-derived minimum yard setback requirements set forth in Article 5.000 or other Sections of this Zoning Ordinance.

(b) An AHO Project shall have a minimum front yard setback of 10 feet, except where the District Dimensional Standards establish a less restrictive requirement. However, the front yard setback may be reduced to the average of the front yard setbacks of the pre-existing buildings on the lots adjacent thereto on either side, if such average is less than the front yard setback otherwise required.

(c) An AHO Project shall have a minimum side yard setback of 7.5 feet, except where the District Dimensional Standards establish a less restrictive requirement.

(d) An AHO Project shall have a minimum rear yard setback of 20 feet, except where the District Dimensional Standards establish a less restrictive requirement.

(e) Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than 3.5 feet from the principal exterior wall plane, and unenclosed steps, unroofed porches and the like which do not project more than ten (10) feet beyond the line of the foundation wall and which are not over four (4) feet above Grade, may extend beyond the minimum yard setback.

(f) Bicycle parking spaces, whether short-term or long-term, and appurtenant structures such as coverings, sheds, or storage lockers may be located within a required yard setback.

5.2.34 Open Space

(a) Except where the District Dimensional Standards establish a less restrictive requirement or as otherwise provided below, the minimum percentage of open space to lot area for an AHO Project shall be 30%. However, the minimum percentage of open space to lot area may be reduced to no less than 15% if at least one of the following criteria is met:

~~(i) An area commensurate with such reduction is used to provide off-street surface parking spaces on the lot along with necessary driveways and access aisles.~~

(ii) The AHO Project includes the preservation and protection of an existing building included on the State Register of Historic Places.

(b) The required open space shall be considered Private Open Space but shall be subject to the limitations set forth below and shall not be subject to the dimensional and other limitations set forth in Section 5.22 of this Zoning Ordinance. Private Open Space shall exclude parking and driveways for automobiles.

(c) At least half of the required open space shall meet the definition of Permeable Open Space as set forth in this Zoning Ordinance.

(d) All of the required open space shall be located at Grade or on porches and decks that are no higher than the floor elevation of the lowest Story Above Grade. Open space may be located at higher levels, such as balconies and decks, ~~but shall not count toward meeting the required Private Open Space for the purpose of this Affordable Housing Overlay.~~

(i) Shared above grade spaces, such as roof decks or balconies accessible to all tenants may count towards the percentage of required private open space.

(e) For the purpose of this Affordable Housing Overlay, area used for covered or uncovered bicycle parking spaces that are not contained within a building shall be considered Private Open Space, but shall not be considered Permeable Open Space.

5.3 Standards for Existing Buildings

A building that is in existence as of the effective date of this Ordinance and does not conform to the standards set forth above in this Affordable Housing Overlay may be altered, reconstructed, extended, and/or enlarged for use as an AHO Project as-of-right in accordance with the standards set forth below. Except as otherwise stated, the following standards shall apply to development contained within the envelope of the existing building, and enlargements or additions occurring outside the envelope of the existing building shall conform to the standards for new construction set forth above.

(a) The modifications to a nonconforming structure allowed as-of-right or by special permit in Article 8.000 of this Zoning Ordinance shall be allowed as-of-right for an AHO Project.

(b) Gross floor area may be added or reconstructed within the interior of the existing building, provided that the resulting number of Stories Above Grade is not more than the greater of the existing number of Stories Above Grade, the maximum number of stories permitted for new construction as set forth above, or the existing height of the building divided by 10 feet.

(c) Insulation may be added to the exterior of an existing exterior wall to improve energy efficiency, provided that the resulting exterior plane of the wall shall either conform to the yard setback standards for an AHO project set forth above or shall not intrude more than eight (8) inches further into the existing yard setback.

(d) An existing building may be moved to a new location on a lot, provided that the resulting height of the building above Grade at its new location shall be no greater than the height above Grade at its existing location, or the maximum building height permitted for an AHO Project as set forth above, whichever is greater, and also provided that the resulting yard setbacks shall not increase any nonconformance with the required yard setbacks set forth above for an AHO Project.

(e) Where the existing amount of open space on the lot does not conform to the standards for an AHO Project set forth above, the existing amount of open space shall be the required amount. However, permitted alterations to the structure or lot including but not limited to moving the building footprint, installing exterior insulation, installing bicycle parking, or installing exterior features to improve accessibility may displace existing open space so long as such open space is reestablished elsewhere on the site to the extent possible and the total amount of open space is not decreased from the existing condition by more than 5% or 100 square feet, whichever is greater.

6. Parking and Bicycle Parking

The limitations set forth in Article 6.000 of this Zoning Ordinance shall be modified as set forth below for an AHO Project.

6.1 Required Off-Street Accessory Parking

(a) Off-street parking shall be required at a minimum ratio of 0.4 space per AHO Dwelling Unit, except as further modified below.

(b) Off-street parking shall not be required for an AHO Project on a lot that is located, in whole or in part, within one half-mile of a public rapid transit station or within one quarter-mile of a bus stop with a scheduled peak hour frequency of at least six buses per hour during 7:00 to 9:00 AM and 4:00 to 6:30 PM on weekdays.

(c) The requirement for off-street parking spaces shall be waived for AHO Dwelling Units created within existing buildings in existence as of the effective date of this Ordinance. In addition, the requirement for off-street parking spaces shall be waived for any new construction, in the form of additions or stand-alone buildings, of an AHO Project on a lot that also includes the preservation and protection of a building included on the State Register of Historic Places.

(d) Where the number of off-street parking spaces required by this Affordable Housing Overlay would otherwise be four spaces or fewer, the requirement to provide off-street parking spaces shall be waived.

6.2 Accessory Parking Provided Off-Site

(a) Off-street parking facilities may be shared by multiple AHO Projects, provided that the requirements of this Section are met by all AHO Dwelling Units served by the facility and the facility is within 1,000 feet of all AHO Projects that it serves.

(b) Off-street parking facilities for an AHO Project may be located within existing parking facilities located within 1,000 feet of the AHO Project and in a district where parking is permitted as a principal use or where the facility is a pre-existing nonconforming principal use parking facility, provided that the owner of the AHO Project shall provide evidence of fee ownership, a long-term lease agreement or renewable short-term lease agreement, recorded covenant, or comparable legal instrument to guarantee, to the reasonable satisfaction of the Superintendent of Buildings, that such facilities will be available to residents of the AHO Project.

6.3 Modifications to Design and Layout Standards for Off-Street Parking

(a) Notwithstanding Section 6.43.2, parking spaces may be arranged in tandem without requiring a special permit, provided that no more than two cars may be parked within any tandem parking space.

(b) Notwithstanding Section 6.43.6, owners of adjacent properties may establish common driveways under mutual easements without requiring a special permit.

(c) Notwithstanding Paragraph 6.44.1(a), on-grade open parking spaces may be located within 10 feet but not less than 5 feet from a building wall on the same lot or an adjacent lot at the basement or first story without requiring a special permit, provided that such parking spaces are screened from buildings on abutting lots by a fence or dense plantings.

(d) Notwithstanding Paragraph 6.44.1(b), on-grade open parking spaces and driveways may be located within 5 feet of a side or rear property line without requiring a special permit, provided that screening is provided in the form of a fence or dense plantings at the property line, unless such screening is waived by mutual written agreement of the owner of the lot and the owner of the abutting lot.

6.4 Modifications to Bicycle Parking Standards

(a) Notwithstanding Section 6.104, long-term or short-term bicycle parking spaces may be located anywhere on the lot for an AHO Project or on an adjacent lot in common ownership or under common control.

(b) Notwithstanding Section 6.107.5, up to 20 long-term bicycle parking spaces may be designed to meet the requirements for Short-Term Bicycle Parking Spaces, so long as they are covered from above to be protected from precipitation.

(c) The requirement for short-term bicycle parking shall be waived where only four or fewer short-term bicycle parking spaces would otherwise be required.

(d) The number of required bicycle parking spaces shall be reduced by half, up to a maximum reduction of 28 spaces, where a standard-size (19-dock) Public Bicycle Sharing Station is provided on the lot or by the developer of the AHO Project on a site within 500 feet of the lot, with the written approval of the City if located on a public street or

other City property, or otherwise by legally enforceable mutual agreement with the owner of the land on which the station is located as approved by the Community Development Department. If additional Public Bicycle Sharing Station docks are provided, the number of required bicycle parking spaces may be further reduced at a rate of 0.5 bicycle parking space per additional Public Bicycle Sharing Station dock, up to a maximum reduction of half of the required number of spaces.

(e) For AHO Dwelling Units created within an existing building, bicycle parking spaces meeting the standards of this Zoning Ordinance shall not be required but are encouraged to be provided to the extent practical given the limitations of the existing structure. Bicycle parking spaces shall be provided, as required by this Zoning Ordinance, for dwelling units in an AHO Project that are constructed fully outside the envelope of the existing structure.

6.5 Transportation Demand Management

An AHO Project whose parking requirements are waived pursuant to the provisions of this Section shall provide, in writing, to the Community Development Department a Transportation Demand Management program containing the following measures, at a minimum:

(a) Offering either a free annual membership in a Public Bicycle Sharing Service, at the highest available tier where applicable, or a 50% discounted MBTA combined subway and bus pass for three months or pass of equivalent value, to up to two individuals in each household upon initial occupancy of a unit.

(b) Providing transit information in the form of transit maps and schedules to each household upon initial occupancy of a unit, or providing information and a real-time transit service screen in a convenient common area of the building such as an entryway or lobby.

7 Building and Site Design Standards for New Development

7.1 General Provisions

(a) The following design standards shall apply to all AHO Projects. Except where otherwise stated, the Project Review requirements set forth in Article 19.000 of this Zoning Ordinance and any design standards set forth in Section 19.50 or elsewhere in the Zoning Ordinance shall not apply if the following standards are met; however, the design standards specific to the project area are encouraged to be met to the extent possible if they are not in conflict with the purpose of this Section.

(b) The following design standards shall apply to new construction and to additions to existing structures. Except as otherwise provided, an existing building that is altered or moved to accommodate an AHO Project shall not be subject to the following standards, provided that such alterations do not create a condition that is in greater nonconformance with such standards than the existing condition.

7.2 Site Design and Arrangement

(a) The area directly between the front lot line and the principal wall plane of the building nearest to the front lot line shall consist of any combination of landscaped area, hardscaped area accessible to pedestrians and bicyclists, and usable spaces such as uncovered porches, patios, or balconies. Parking and other motor vehicle uses, including service and loading facilities, shall not be located within such area, except for driveway access which shall be limited to a total of thirty (30) feet of width for any individual driveway for each one hundred (100) feet of lot frontage.

(b) Pedestrian entrances to buildings shall be visible from the street, except where the building itself is not visible from the street due to its location. All pedestrian entrances shall be accessible by way of access routes that are separated from motor vehicle access drives.

(c) A building footprint exceeding 250 feet in length, measured parallel to the street, shall contain portions that are set back by at least 40 feet in depth measured from and perpendicular to the front lot line and at least 40 feet in width measured parallel to the front lot line.

7.3 Building Façades

(a) At least 15% of the area of building façades facing a public street or public open space shall consist of clear glass windows. For buildings located in a Business A (BA), Business A-2 (BA2), Business B (BB) or Business C (BC) zoning district, this figure shall be increased to 25%.

(b) Building façades shall incorporate architectural elements that project or recess by at least two feet from the adjacent section of the façade. Such projecting or recessed elements shall occur on an average interval of 40 linear horizontal feet or less for portions of the façade directly facing a public street, and on an average interval of 80 linear horizontal feet or less for other portions of the façade. Such projecting or recessed elements shall not be required on the lowest Story Above Grade or on the highest Story Above Grade, and shall not be required on the highest two Stories Above Grade of a building containing at least six Stories Above Grade. The intent is to incorporate elements such as bays, balconies, cornices, shading devices, or similar architectural elements that promote visual interest and residential character, and to allow variation at the ground floor and on upper floors where a different architectural treatment may be preferable.

(c) To provide additional visual interest to the façade, for window openings above the ground floor facing a public street or public open space, the developer is encouraged to include architectural elements that provide depth and/or surface relief such as recessed or projecting window surfaces, sills, sun shades, or shutters.

7.4 Ground Floors

(a) The elevation at floor level of the ground floor of a building, meaning the lowest story above Grade, shall be at the mean Grade of the abutting public sidewalk, or above

such mean Grade by not more than four feet. Where active non-residential uses are provided at the ground floor, the ground floor shall be accessible directly from the sidewalk without requiring use of stairs or a lift. The requirements of this paragraph shall not apply if it is determined by the City Engineer that a higher ground floor elevation is necessary for the purpose of flood protection.

(b) Where structured parking is provided within the ground floor of a building, the portion of the building immediately behind the front wall plane shall consist of residential units, common areas, or other populated portions of the building in order to screen the provided parking over at least 50% of the length of the façade measured parallel to the street.

(c) The façade of a ground floor facing a public street shall consist of expanses no longer than 25 feet in length, measured parallel to the street, which contain no transparent windows or pedestrian entryways.

(d) If the ground floor is designed to accommodate active non-residential uses, the following additional standards shall apply:

(i) the height of the lowest story above Grade for that portion of the building containing active non-residential uses shall be at least 15 feet;

(ii) the depth of the space designed for active non-residential uses shall be at least 35 feet on average measured from the portion of the façade that is nearest to the front lot line in a direction perpendicular to the street, and measured to at least one street in instances where the space abuts two or more streets; and

(iii) that portion of the ground floor façade containing active non-residential uses shall consist of at least 50% transparent glass windows.

~~(e) Ground floors shall be designed to accommodate at least one space for an active nonresidential use on sites that are located in a Business base zoning district, and where the project site and at least one of the lots abutting the project site contains or has contained a retail and consumer service use at any point within the past two years.~~

e) Ground floors located in a business base zoning district may include retail space or space used by the developer to support activities and services related to their mission as nonprofit entities, i.e. workforce development, job connectors, etc.

7.5 Mechanical Equipment, Refuse Storage, and Loading Areas

All mechanical equipment, refuse storage, or loading areas serving the building or its occupants that are (1) carried above the roof, (2) located at the exterior building wall or (3) located outside the building, shall meet the requirements listed below. Mechanical equipment includes, but is not limited to, ventilation equipment including exhaust fans and ducts, air conditioning equipment, elevator bulkheads, heat exchangers, transformers and any other equipment that, when in operation, potentially creates a noise detectable off the lot. The equipment and other facilities:

(a) Shall not be located within any required setback. This Paragraph (a) shall not apply to electrical equipment whose location is mandated by a recognized public utility, provided that project plans submitted for review by the City identify a preferred location for such equipment.

(b) When on the ground, shall be permanently screened from view from adjacent public streets that are within 100 feet of the building, or from the view from abutting property in separate ownership at the property line. The screening shall consist of densely planted shrubs or trees equal or greater in height at the time of installation than the equipment or facilities to be screened, or a fence of equal or greater height that is comparable in quality to the materials used on the principal facades of the building, with no more than twenty-five (25) percent of the face of the fence open.

(c) When carried above the roof, shall be permanently screened from view, from the ground, from adjacent public streets and any abutting residentially used lot or lots in a residential zoning district. The screening shall be at least 50% opaque, uniformly distributed across the screening surface.

(d) Shall meet all city, state and federal noise regulations, as applicable, as certified by a professional acoustical engineer if the Department of Inspectional Services deems such certification necessary.

(e) That handle trash and other waste, shall be contained within the building or screened as required in this Section until properly disposed of.

7.6 Environmental Design Standards

(a) This Section shall not waive the Green Building Requirements set forth in Section 22.20 of this Zoning Ordinance that may otherwise apply to an AHO Project.

(b) Where the provisions of the Flood Plain Overlay District apply to an AHO Project, the performance standards set forth in Section 20.70 of this Zoning Ordinance shall apply; however, a special permit shall not be required.

(c) An AHO Project shall be subject to other applicable laws, regulations, codes, and ordinances pertaining to environmental standards.

(d) New outdoor light fixtures installed in an AHO Project shall be fully shielded and directed to prevent light trespass onto adjacent residential lots.

8 Advisory Design Consultation Procedure

Prior to application for a building permit, the developer of an AHO Project shall comply with the following procedure, which is intended to provide an opportunity for non-binding community and staff input into the design of the project.

(a) At least one community meeting shall be scheduled at a time and location that is convenient to residents in proximity to the project site. The Community Development Department (CDD)

shall be notified of the time and location of such meeting, and shall give notification to each abutting property owner and to any individual or organization who each year files with CDD a written request for such notification, or to any other individual or organization CDD may wish to notify. The purpose of the community meeting(s) shall be to present preliminary project designs, answer questions from neighboring residents and other interested members of the public, and receive feedback on the design. The date(s), time(s), location(s), attendance, materials presented, and comments received at such meeting(s) shall be documented and provided to CDD.

(b) Following one or more such community meeting(s), the developer shall prepare the following materials for review by the Planning Board. CDD shall review to certify that the submitted written and graphic materials provide the required information in sufficient detail. All drawings shall be drawn to scale, shall include a graphic scale and north arrow for orientation, and shall provide labeled distances and dimensions for significant building and site features.

- (1) A context map indicating the location of the project and surrounding land uses, including transportation facilities.
- (2) An existing conditions site plan depicting the boundaries of the lot, the locations of buildings, open space features, parking areas, trees, and other major site features on the lot and abutting lots, and the conditions of abutting streets.
- (3) A proposed conditions site plan depicting the same information above as modified to depict the proposed conditions, including new buildings (identifying building entrances and uses on the ground floor) and major anticipated changes in site features.
- (4) Floor plans of all proposed new buildings and existing buildings to remain on the lot.
- (5) Elevations and cross-section drawings of all proposed new buildings and existing buildings to remain on the lot, depicting the distances to lot lines and the heights of surrounding buildings, and labeling the proposed materials on each façade elevation.
- (6) A landscape plan depicting and labeling all hardscape, permeable, and vegetated areas proposed for the site along with other structures or appurtenances on the site.
- (7) Plans of parking and bicycle parking facilities, as required by Section 6.50 of this Zoning Ordinance.
- (8) Materials palettes cataloguing and depicting with photographs the proposed façade and landscape materials.
- (9) Existing conditions photographs from various vantage points on the public sidewalk, including photos of the site and of the surrounding urban context.
- (10) Proposed conditions perspective renderings from a variety of vantage points on the public sidewalk, including locations adjacent to the site as well as longer views if proposed buildings will be visible from a distance.

(11) A dimensional form, in a format provided by CDD, along with any supplemental materials, summarizing the general characteristics of the project and demonstrating compliance with applicable zoning requirements.

(12) A brief project narrative describing the project and the design approach, and indicating how the project has been designed in relation to the citywide urban design objectives set forth in Section 19.30 of the Zoning Ordinance, any design guidelines that have been established for the area, and design guidelines established for AHO Projects in Cambridge.

(c) Within 65 days of receipt of a complete set of materials by CDD, the Planning Board shall schedule a design consultation as a general business matter at a public meeting. The materials shall be made available to the public in advance, and the Planning Board may receive written comments prior to the meeting from City staff and from the general public.

(d) At the scheduled design consultation, the Planning Board shall hear a presentation of the proposal from the developer and comments from the public. The Board may ask questions or seek additional information from the developer or from City staff.

(e) The Planning Board shall evaluate the proposal for general compliance with the requirements of this Section, for consistency with City development guidelines prepared for the proposal area and for AHO Projects in general, for appropriateness in terms of other planned or programmed public or private development activities in the vicinity, and for consistency with the Citywide Urban Design Objectives set forth in Section 19.30. The Board may also suggest specific project adjustments and alterations to further the purposes of this Ordinance. The Board shall communicate its findings in a written report provided to the developer and to CDD within 20 days of the design consultation.

(f) The developer may then make revisions to the design, in consultation with CDD staff, and shall submit a revised set of documents along with a narrative summary of the Planning Board's comments and changes made in response to those comments.

(g) The Planning Board shall review and discuss the revised documents at a second design consultation meeting, which shall proceed in accordance with Paragraphs (c) and (d) above. Following the second design consultation, the Planning Board may submit a revised report and either the revised report or if there are no revisions the initial report shall become the final report (the "Final Report"). Any additional design consultations to review further revisions may occur only at the discretion and on the request of the developer.

(h) The Final Report from the Planning Board shall be provided to the Superintendent of Buildings to certify compliance with the procedures set forth herein.

9 Implementation of Affordable Housing Overlay

(a) The City Manager shall have the authority to promulgate regulations for the implementation of the provisions of this Section 11.207. There shall be a thirty-day review period, including a public meeting, to receive public comments on draft regulations before final promulgation.

(b) The Community Development Department may develop standards and procedures appropriate to and consistent with the provisions of this Sections 11.207 and the above regulations.

10 Enforcement of Affordable Housing Overlay

The Community Development Department shall certify in writing to the Superintendent of Buildings that all applicable provisions of this Section have been met before issuance of any building permit for any AHO Project, and shall further certify in writing to the Superintendent of Buildings that all documents have been filed and all actions taken necessary to fulfill the requirements of this Section before the issuance of any certificate of occupancy for any such project.

11 Review of the Affordable Housing Overlay

After a period of five (5) years from the date of enactment of this Ordinance and every five years henceforth, the Affordable Housing Trust and the Community Development Department shall provide to the Council a report containing the following:

- (a) Number of sites and their location bid on for the purpose of Affordable Housing Projects
- (b) Number of sites and their location acquired for the purpose of Affordable Housing Projects
- (c) Number of units created at each individual site
- (d) Total number of residents served by Affordable Housing Projects